



ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**CRISTIAN CETINA,
Plaintiff,**

v.

**LIFETIME FITNESS,
Defendant.**

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Civil Action No. 3:04-CV-2373-M

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, & RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, & Recommendation of the United States Magistrate Judge, filed July 11, 2005, recommending that all claims against Defendant be dismissed without prejudice pursuant to FED. R. CIV. P. 4(m) for Plaintiff's failure to effect service. The Plaintiff filed on July 28, 2005 "an appeal to proceed and demand to proceed *in forma pauperis* for fault of poverty." The Court notes that Plaintiff's application to proceed *in forma pauperis* has already been denied, in consideration of financial information submitted by the Plaintiff, and the District Court has made a *de novo* review of the proposed Findings, Conclusions, & Recommendation. To the extent Plaintiff's filing of July 28, 2005, constitutes objections to the Findings, those objections are overruled. The Court accepts the Findings, Conclusions, & Recommendation of the United States Magistrate Judge. Accordingly, Plaintiff's claims against Defendant are hereby **DISMISSED** without prejudice.

SIGNED this 18 day of August, 2005


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE